

ORDINANCE NO. F- 1398

**AN ORDINANCE GRANTING A VARIANCE FROM THE
PROVISIONS OF THE DUPAGE COUNTY COUNTYWIDE STORMWATER AND
FLOOD PLAIN ORDINANCE –
2130 W. ROOSEVELT ROAD/ST. FRANCIS HIGH SCHOOL**

WHEREAS, St. Francis High School (“Applicant”) has submitted a written petition requesting the granting of a variance from the provisions of Section 15-133.24 of the DuPage County Countywide Stormwater and Flood Plain Ordinance (“Stormwater Ordinance”); the request pertains to permit the construction of certain athletic field improvements in the regulatory floodway which are not listed as appropriate uses for the regulatory floodway (“Project”) located at 2130 W. Roosevelt Road, Wheaton, Illinois (“Project Site”); and

WHEREAS, the scope of the Project requires the application of stormwater management practices in accordance with the Stormwater Ordinance, which the City has adopted; and

WHEREAS, the DuPage County Stormwater Management Committee has granted the City partial waiver status of County enforcement of the Stormwater Ordinance, and as such, the Wheaton City Council has the sole authority to grant variances to the Stormwater Ordinance for projects within the City; and

WHEREAS, the stormwater management plan for the Project submitted by the Applicant’s engineer, Engineering Enterprises, Inc., Sugar Grove, Illinois, and dated May 30, 2008, indicates that the Project will be constructed in conformance with the Stormwater Ordinance except for Section 15-133.24 which is the basis of the requested variance; and

WHEREAS, pursuant to notice as required by the Stormwater Ordinance, a public hearing was conducted by the Wheaton City Council on October 27, 2008 to consider the variance request; and the Wheaton City Council has recommended approval of the variance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

SECTION 1: The Wheaton City Council has determined the following findings of fact.

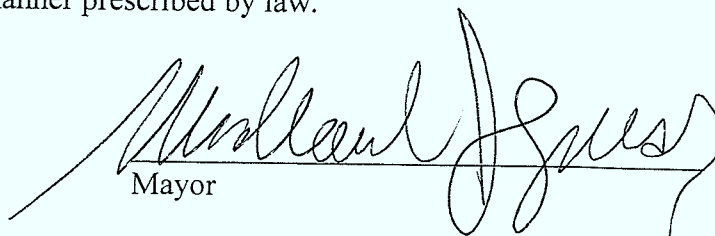
1. Granting the variance will not alter the essential character of the area of the Project Site, including existing stream uses.
2. Carrying out the strict letter of the provisions of the Stormwater Ordinance would create an undo or particular hardship or difficulty on the Owner.

3. The relief requested is the minimum necessary and there are no means other than the requested variance by which the alleged hardship can be avoided or remedied to a degree sufficient to permit the reasonable development of the Project.
4. The Owner's circumstances are unique and do not represent a general condition or problem.
5. The Project is exceptional as compared to other developments subject to the same provisions.

SECTION 2: A variance from the provisions of Section 15-133.24 of the Stormwater Ordinance is hereby granted to permit the construction of athletic facility improvements in the regulatory floodway which are not listed as appropriate uses for the floodway, on the property legally described on Exhibit A, attached hereto. The athletic facility improvements are an asphalt track, replacement of existing bleacher stands, replacement of an existing scoreboard, replacement of an existing press box, and replacement and construction of new athletic field event facilities, all depicted on the plans prepared by Engineering Enterprises, Inc., Sugar Grove, Illinois, and dated September 7, 2007 with latest revision date of May 29, 2008.

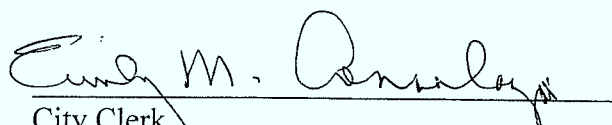
SECTION 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

SECTION 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:



City Clerk

ROLL CALL VOTE

Ayes:

Councilman Mouhelis
Councilman Prendiville
Councilman Suess
Councilwoman Corry
Councilman Johnson
Councilman Levine
Mayor Gressk

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 1, 2008
Published: December 2, 2008

EXHIBIT "A"

THAT PART OF SECTION 19, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION AND THENCE SOUTH 85 DEGREES 16 MINUTES WEST, ALONG THE NORTH LINE OF SAID SECTION, 2386.56 FEET FOR A PLACE OF BEGINNING; THENCE SOUTH 00 DEGREES 07 MINUTES EAST, 1579.75 FEET, THENCE NORTH 86 DEGREES 08 MINUTES EAST, 1450.65 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES EAST, 1048.9 FEET TO THE SOUTH LINE OF THE LANDS FORMERLY OCCUPIED BY EDWARD N. HURLEY; THENCE SOUTH 86 DEGREES 57 MINUTES WEST, ALONG SAID SOUTH LINE, 2019.5 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE NORTH 0 DEGREES 07 MINUTES WEST, ALONG THE WEST LINE OF SAID LANDS, 2591.2 FEET TO THE NORTH LINE OF SECTION 19, AFORESAID; THENCE NORTH 85 DEGREES 16 MINUTES EAST, ALONG SAID NORTH LINE, 571.04 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM THAT PART CONVEYED TO FRANCISCAN SISTERS BY DEED DATED MARCH 25, 1947 AND RECORDED MARCH 31, 1947 AS DOCUMENT NUMBER 518207 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND KNOWN AS TRACT "D" OF THE PARTITION PLAT OF THE ESTATE OF EDWARD N. HURLEY AS FILED IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS IN BOOK 20 OF PLATS ON PAGE 51 AS DOCUMENT NUMBER 355699 AND RUNNING THENCE NORTH 86 DEGREES 57 MINUTES EAST, ALONG THE SOUTH LINE OF SAID TRACT "D", 570.11 FEET TO A POINT IN A LINE WITH THE WESTERLY LINE EXTENDED SOUTH OF TRACT "C" OF SAID PARTITION PLAT, FOR A PLACE OF BEGINNING; THENCE NORTH 00 DEGREES 07 MINUTES WEST, IN A LINE WITH SAID WEST LINE EXTENDED SOUTH, 1028.07 FEET TO THE SOUTHWEST CORNER OF SAID TRACT "C"; THENCE NORTH 86 DEGREES 08 MINUTES EAST, ALONG THE SOUTH LINE OF SAID TRACT "C", 1450.65 FEET TO A CORNER OF SAID TRACT "C", WHICH CORNER IS ALSO COMMON CORNER WITH TRACT "D" AFORESAID; THENCE SOUTH 00 DEGREES 07 MINUTES EAST, ALONG THE EASTERLY LINE OF SAID TRACT "D", 1048.9 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "D"; THENCE SOUTH 86 DEGREES 57 MINUTES WEST, ALONG THE SOUTHERLY LINE OF SAID TRACT "D", 1449.39 FEET TO THE PLACE OF BEGINNING, AND ALSO EXCEPTING THEREFROM THAT PORTION FALLING WITHIN R.A. FAGANELL'S ST. FRANCIS OAKS SUBDIVISION, IN DUPAGE COUNTY, ILLINOIS.

The subject property is located at 2130 W. Roosevelt Rd., Wheaton, Illinois.

P.I.N.: 05-19-200-009